

## ***PROJECT INTERCONNECT***

7817 Noble Avenue, Brooklyn Park, MN 55433 – Phone 612-585-1954

Date October 12, 2000

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.,  
Room TW-A325  
Washington, DC 20554

RECEIVED  
OCT 16 2000  
FCC MAIL ROOM

**In the matter of:** Request for Review by Project Interconnect of Decision of Universal Service Administrator. (Reference FCC Docket Nos. 97-21 and 96-45.)

Dear Sir:

Project Interconnect (Billed Entity Number 149473) would like to appeal SLD's denial of Project Interconnect's appeal for rejecting Year 2 (7/1/1999 – 6/30/2000) applications for E-Rate (Application #s 146858, 146854). Attached is a copy of the appeal denial (Attachment A)

Project Interconnect is a consortium of K-12 school districts in metropolitan area of Minneapolis/St. Paul, Minnesota. In November of 1999, the SLD (Ms. Susan Budilowsky) had requested documentation indicating membership of school districts participation in the consortium. A sample copy of the form on file used by school districts signing up for membership was faxed to Ms Budilowsky. She indicated the form would be acceptable documentation.

A few days later, SLD reversed their earlier position and notified Project Interconnect that the form was not acceptable and that Project Interconnect needed to get a letter from each of the school districts authorizing Project Interconnect to apply for the E-Rate for services being provided by Project Interconnect. A letter from the State Department of Children Family & Learning (CFL) requesting the SLD reconsider the request and accept the form (given that the members had agreed to abide by the rules established by the State by signing the form) was rejected by SLD on December 2<sup>nd</sup> 1999 and gave a deadline of December 10<sup>th</sup> 1999 for receipt of authorizing letters from some sixty school districts.

Project Interconnect with assistance from CFL attempted to get letters from the district. Most of sixty authorization letters received by Project Interconnect were faxed to SLD by December 10<sup>th</sup>, 1999. Project Interconnect received a denial letter from SLD dated March 27, 2000 indicating that "...at least one member of your consortium was unaware of the

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application you submitted, and you were unable to provide us with a Letter of Agency from that entity". The entity was not identified in the letter.

Project Interconnect filed an appeal with SLD along with a supporting letter from CFL (text of the letter is provided as Attachment B) once again explaining Project Interconnect background and the rules under which it was organized and the membership requirements. Project Interconnect appealed that the SLD not reject the entire application but consider deleting those members from the application whose letters were not provided by December 10<sup>th</sup> 1999. Even though Project Interconnect was unable to obtain all of the letters by December 10<sup>th</sup>, 1999, given the short deadline by SLD, it did obtain the missing letters and submitted a complete set with the appeal. This set is included as Attachment C with this letter.

Project Interconnect waited for a decision. After hearing no response for a few months, follow up by Project Interconnect indicated that the SLD had lost our appeal. SLD promised to look into the matter. Few days later we received a letter rejecting our appeal.

Project Interconnect has followed the procedures for E-Rate application as requested and has made every attempt to meet SLD's documentation request. Short turnaround request had resulted in missing certain letters. Given the fact that most of the letters were turned in on time, Project Interconnect is appealing that the FCC reverse SLD's decision to reject our application in full. Should there be a need to reduce funding amount, we request that the FCC consider removing those districts which did not provide the letters by December 10<sup>th</sup>, 1999 and approve funding for those districts that complied with the deadline.

We look forward to a favorable decision. Should there be any question or need for additional information, please feel free to call me at 612-585-1954 or e-mail me at [let@unique-software.com](mailto:let@unique-software.com).

Sincerely,

A handwritten signature in black ink, reading "William R. Leto" followed by a stylized flourish.

William R. Leto  
Coordinator, Project Interconnect.



UNIVERSAL SERVICE  
ADMINISTRATIVE CO.

Attachment A.

## SCHOOLS AND LIBRARIES DIVISION

Box 125 – Correspondence Unit  
100 South Jefferson Road  
Whippany, New Jersey 07981

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### Administrator's Decision on Appeal - Funding Year 1999-2000

September 15, 2000

William R. Leto  
Project Interconnect  
7817 Noble Avenue North  
Brooklyn Park, MN 55443

Re: Billed Entity Number: 149473  
Application Number: 146858 & 146854  
Your Correspondence Dated: April 24, 2000

After thorough review and investigation of your appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has resolved your appeal seeking approval of additional discounts for the second program year. This letter addresses our decision concerning each Funding Request Number that was included in your letter of appeal for the Application Number cited above. If your letter of appeal addressed more than one Application Number, a separate letter will be issued to inform you of our decision on the appeal of each Application Number included in your appeal.

Decision on Appeal: Denied in full.  
Denial Reason:

- Project Internet was given longer than the standard 7 days to provide the required documentation. As a Consortium Project Interconnect should have had appropriate documentation on file. Additional letters of agency were provided with the appeal, but these were not signed until April 2000 and still did not cover all the entities listed in Item 14 of the application. Therefore this appeal is denied.

If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12<sup>TH</sup> Street, S.W., Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at <[www.sld.universalservice.org](http://www.sld.universalservice.org)>. You must file your

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Home Page: <http://www.universalservice.org/>

appeal with the FCC no later than 30 days from the date of this letter, in order for your appeal to be timely filed.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



*Attachment B,*

April 11, 2000

Schools and Libraries Division, USAC  
Box 125 – Correspondence Unit  
80 South Jefferson Road  
Whippany, New Jersey 07981

SUBJECT: Form 471 Application Number: 146858, 146854  
Funding Year: 1999-2000  
Billed Entity Number: 149473

To Whom It May Concern:

The purpose of this letter is to express support for an appeal of the funding commitment decision the Schools and Libraries Division has rendered regarding Application Number(s) 146858 and 146854 submitted by Project Interconnect on behalf of its member school districts and libraries. The applications were denied based on a determination by SLD that at least one member of Project Interconnect indicated they were unaware an application for E-rates was being made on their behalf. According to the funding commitment decision letter, SLD therefore considers the certification signed by Project Interconnect pertaining to authorization to act on behalf of the applicants as not supported.

Since 1996, the Minnesota Legislature has provided funding to school districts and libraries in the form of noncompetitive telecommunications access grants (TAG) to support telecommunications access and services. The TAG program is administered by the Minnesota Education Telecommunications Council (METC), a multi-agency advisory board and the Minnesota Department of Children, Families and Learning. School districts and libraries have voluntarily grouped into “clusters” such as Project Interconnect to leverage cooperative purchasing power, provide for a coordinated TAG funding application process, and promote partnerships between school districts, libraries, and higher education that provide learning opportunities and other educational services delivered using technology.

With the advent of the E-rates program, the METC determined that school districts and libraries participating in the TAG program should apply for E-rate discounts on those eligible services funded with state TAG funding. METC has made E-rate application by the clusters a condition for TAG program funding, and Minnesota laws governing the

TAG program also require the clusters to apply for E-rate discounts on eligible services funded with state funds on behalf of their participants. The participants in the TAG program are all eligible to apply for the E-rates program and the ongoing costs of telecommunications and Internet access being funded through TAG are E-rate eligible services. Applying for discounts on these services from the E-rates program is not only fiscally responsible, it has also allowed Minnesota to leverage state resources to continue providing a level of service and access upon which school districts and libraries now rely for delivery of educational programs and library services.

Project Interconnect coordinates the procurement and deployment of telecommunications services for its member school districts and libraries. Project Interconnect also applies for TAG funds on behalf of its members and maintains the TAG budget for the cluster, including payment of invoices to service providers, thus making them the logical choice for filing E-rate applications on behalf of their member districts and libraries as a consortia. TAG funds from the state flow directly to the Project Interconnect fiscal agent, so the logistics of how the connectivity is provided to the school districts and libraries is transparent to the individual school districts and libraries. In applying for the E-rates on behalf of their members, Project Interconnect was complying both with TAG program funding criteria established by METC and acting on behalf of the Project Interconnect participants as authorized in Minnesota law.

In December 1999, the Project Interconnect coordinator, Mr. William Leto, was contacted by Program Integrity Assurance staff and informed that letters of agency would be required from the over 60 members of Project Interconnect. At that time, a letter was sent to Program Integrity Assurance describing how Project Interconnect operates on behalf of its school and library members. The response was that the letters of agency would still be required and Project Interconnect was given seven days to produce letters of agency for their entire membership. Every effort was made to get in touch with the members of Project Interconnect and obtain the required documentation within the time allotted. The letters of agency were forwarded to Program Integrity Assurance.

The funding commitment decision letter dated March 27, 2000 indicates that "...at least one member of your consortium was unaware of the application you submitted, and you were unable to provide us with a Letter of Agency from that entity." Every school district and library member was contacted with a FAX and a follow-up phone call in December when Program Integrity Assurance requested the additional documentation. The vast majority of Project Interconnect participants responded with a letter of agency. In attempting to obtain responses from over 60 organizations in just a few days, it would seem reasonable to expect that some might not respond in time. At no time was Project Interconnect contacted by Program Integrity Assurance after the letters of agency were sent and asked about any letters of agency that had not been submitted.

The very purpose behind the creation of Project Interconnect was so that an entity could act on behalf of participating school districts and libraries and spare them the administrative and technical burdens of applying for funds, dealing with the procurement of services and coordinating backbone network management on an individual basis.

There are many services provided by Project Interconnect that are transparent to the school district and library administrators—the connectivity is funded by the state and coordination and management is carried out by the Project Interconnect coordinator and governance board. The individual school districts and libraries need only be concerned with how they need to apply the technology to education program and library service delivery.

The denial of the entire funding request from the Project Interconnect school districts and libraries based on the determination that “at least one entity was unaware of the application you submitted” is not reasonable, particularly in light of the fact that Project Interconnect was acting on behalf of participants in a manner consistent with current practice in a state program and in compliance with Minnesota law. In addition, Project Interconnect made every effort to supply the additional documentation that was requested by Program Integrity Assurance under an extremely tight timeline. I sincerely hope the SLD will reconsider the funding commitment decision for this group of school districts and libraries and at the very least, grant the discounts for the Project Interconnect members that submitted the required letters of agency.

Thank you for your consideration of this matter. If I can be of assistance or provide further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Mary Mehsikomer".

MARY MEHSIKOMER, Project Planner  
Information Technologies Division  
PHONE: (651) 582-8827 FAX: (651) 582-8871  
E-mail: [mary.mehsikomer@state.mn.us](mailto:mary.mehsikomer@state.mn.us)

**MINNESOTA  
DEPARTMENT OF**1500 HIGHWAY 36 WEST  
ROSEVILLE, MN 55113-4266T: (651) 582-8200  
TTY: (651) 582-8201  
<http://cfl.state.mn.us>

December 2, 1999

Glasford Walker  
Associate Manager – Program Integrity Assurance  
100 South Jefferson Avenue  
Whippany, New Jersey 07981

Dear Mr. Walker:

This letter is in response to your e-mail message to William Leto, Coordinator of the Project Interconnect Telecommunications Access Cluster, regarding E-rate applications #146854 and #146858. In your message you have indicated that a letter of agency is needed from each of the Project Interconnect participants in order for the application to be approved and that these letters must be provided within seven business days of the receipt of this notice. I am writing to you on behalf of Mr. Leto as the state coordinator for the E-rate program in Minnesota in the hopes that further explanation of Project Interconnect and its function on behalf of over 60 member school districts and libraries will suffice.

Project Interconnect is one of nine telecommunications clusters in Minnesota. Each school district and library in Minnesota is a member of one of these clusters, which were formed to develop and coordinate the Learning Network of Minnesota. The Learning Network of Minnesota is a telecommunications highway that connects Minnesota public school districts, public libraries, and higher education institutions and is funded through a noncompetitive state grant program known as the telecommunications access grant program. The clusters submit budgets and apply for telecommunications access grant funds on behalf of their member school districts and libraries. The program is administered by the Minnesota Education Telecommunications Council (METC), a multi-agency advisory board with representatives from K-12 education, higher education, public libraries, the Minnesota Higher Education Services Office, Minnesota Department of Administration, the Minnesota Department of Children, Families & Learning, and the Minnesota Legislature. Participation in the Learning Network of Minnesota is voluntarily; however, school districts and libraries must join the cluster of their choice in order to receive any of the state funds that assist in funding telecommunications capacity.

With the advent of the E-rates program, the METC determined that telecommunications services and internet access provided through the state telecommunications access grants were eligible for E-rate discounts, and the entities participating in the telecommunications access clusters were eligible to participate in the E-rate discount program. In addition, the clusters maintain the budget for their group of schools and libraries, including payment of invoices for telecommunications services, thus making them the logical choice for filing E-rate applications on behalf of their member districts and libraries as consortia. Based on these factors, the METC



requires each cluster to apply for E-rate discounts on services provided through the telecommunications access grant program so that both E-rate and state resources can be leveraged to provide the maximum level of service to schools and libraries. This requirement was also placed in statute for the telecommunications access grant program during the last legislative session. Each cluster equitably uses savings generated through the E-rates discounts to help supplement the state funds provided so the needed levels of connectivity for each eligible school district and library in the state can be maintained and local technology infrastructure can be further developed. E-rates have been essential to our ability to maintain the Learning Network of Minnesota at functional levels of connectivity for all school districts and public libraries and consequently provide a wealth of learning opportunities for Minnesota learners that would not otherwise be available.

It is my hope that this explanation of how the telecommunications access clusters function will satisfy the Program Integrity Assurance questions regarding the authority of Project Interconnect to apply for E-rates on behalf of its member school districts and libraries and how the funds are used. If after review of this letter you determine that the letters of agency from the over 60 members of the Project Interconnect cluster and/or further information are still required, I respectfully request that a more reasonable time frame be allotted for Project Interconnect to comply with this requirement.

In either case, I would appreciate if you would contact either me at (651) 582-8827 or via e-mail at [mary.mehsikomer@state.mn.us](mailto:mary.mehsikomer@state.mn.us) or Bill Leto at (612) 585-1954 or via e-mail at [leto@projectinterconnect.org](mailto:leto@projectinterconnect.org) regarding this matter. Thank you for your consideration of this matter.

Sincerely,



MARY MEHSIKOMER, Project Planner  
Information Technologies Division  
PHONE: (651) 582-8827 FAX: (651) 582-8871  
E-mail: [mary.mehsikomer@state.mn.us](mailto:mary.mehsikomer@state.mn.us)

cc: William Leto, Coordinator, Project Interconnect

**Attachment C - Letter of Agency**

**LETTER OF AGENCY FOR PROJECT INTERCONNECT**

Project Interconnect has applied for E-rate discounts on services relating to the Learning Network of Minnesota on behalf of its member school districts and libraries in both Year 1 (January 1, 1998 - June 30, 1999) and Year 2 (July 1, 1999 - June 30, 2000) of the E-rate program application cycle. Project Interconnect is currently in the process of applying for discounts on Learning Network Services for E-rate program Year 3 (July 1, 2000 - June 30, 2001).


Please sign below to acknowledge that your organization is a member of Project Interconnect, that you are aware Project Interconnect applies for E-rate discounts on behalf of your school district or library to support ongoing telecommunications services associated with the Learning Network of Minnesota and that you wish Project Interconnect to continue acting in this capacity for your school district or library.

School District Name: Mounds View District Number: 621

OR

Library Name: \_\_\_\_\_

(whichever applies)

  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Date: 12/8/99

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

Thank you!

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School District Name: Cedar Riverside Comm. Sch. District Number: 4004-07

OR

Library Name: \_\_\_\_\_

(whichever applies)

S. Keith M. Bausher

Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Date: 12-10-99

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

Thank you!

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School District Name:

Fridley

District Number:

14

OR

Library Name: \_\_\_\_\_

(whichever applies)

Mary Mehsikomer E. Wes

Date:

12/10/99Signature of Superintendent, Library Director, or other  
authorized agent for the organization

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Thank you!

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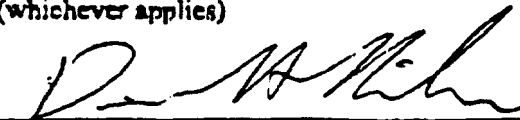
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School District Name: St. Hawley Area School District Number: 834

OR

Library Name: \_\_\_\_\_

(whichever applies)

 Date: 12/10/99  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

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Thank you!

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School District Name: Small Grove Heights District Number: 199

OR

Library Name: \_\_\_\_\_

(whichever applies)

John L. Holm, Asst. Supt. Date: 12/10/99  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

Thank you!

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SCHOOL TECHNOLOGY

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## LETTER OF AGENCY FOR PROJECT INTERCONNECT

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Please sign below to acknowledge that your organization is a member of Project Interconnect, that you are aware Project Interconnect applies for E-rate discounts on behalf of your school district or library to support ongoing telecommunications services associated with the Learning Network of Minnesota and that you wish Project Interconnect to continue acting in this capacity for your school district or library.

School District Name: Brooklyn Center ISD District Number: 286

OR

Library Name: \_\_\_\_\_

(whichever applies)

Antoinette Johns Superintendent Date: 12/13/99  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

Thank you!



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School District Name: Westonka Pub. Sch District Number: ISO #277

OR

Library Name: \_\_\_\_\_

(whichever applies)

Tom Ireland

Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Date: 12/7/99

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

Thank you!

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School District Name: Northeast Metro 916 District Number: 916

OR

Library Name: \_\_\_\_\_

(whichever applies)

Don E. [Signature] Date: 12/6/99  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

Thank you!

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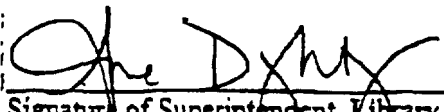
Please sign below to acknowledge that your organization is a member of Project Interconnect, that you are aware Project Interconnect applies for E-rate discounts on behalf of your school district or library to support ongoing telecommunications services associated with the Learning Network of Minnesota and that you wish Project Interconnect to continue acting in this capacity for your school district or library.

School District Name: Buffalo-Hanover-Mendota District Number: 877

OR

Library Name: \_\_\_\_\_

(whichever applies)

  
\_\_\_\_\_  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Date: 12/8/99

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

Thank you!

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Please sign below to acknowledge that your organization is a member of Project Interconnect, that you are aware Project Interconnect applies for E-rate discounts on behalf of your school district or library to support ongoing telecommunications services associated with the Learning Network of Minnesota and that you wish Project Interconnect to continue acting in this capacity for your school district or library.

School District Name: Intermediate District 287 District Number: 287

OR

Library Name: \_\_\_\_\_

(whichever applies)

  
\_\_\_\_\_  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Date: 12/7/99

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★ Thank you!

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Please sign below to acknowledge that your organization is a member of Project Interconnect, that you are aware Project Interconnect applies for E-rate discounts on behalf of your school district or library to support ongoing telecommunications services associated with the Learning Network of Minnesota and that you wish Project Interconnect to continue acting in this capacity for your school district or library.

School District Name: Mounds View Sch Dist District Number: 621

OR

Library Name: \_\_\_\_\_

(whichever applies)

[Signature] Date: 12/9/99  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization Director of Technology Information & Planning

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

Thank you!

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School District Name:

So St Paul Public Schools

District Number:

#6

OR

Library Name: \_\_\_\_\_

(whichever applies)

Nathaniel A. Cripps  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Date:

12-9-99

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

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# 917

School District Name: Intermediate School District District Number: 917

OR

Library Name: \_\_\_\_\_

(whichever applies)

Roger M. Norstad  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Date: 12/9/99

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

**Thank you!**

**LETTER OF AGENCY FOR PROJECT INTERCONNECT**

Project Interconnect has applied for E-rate discounts on services relating to the Learning Network of Minnesota on behalf of its member school districts and libraries in both Year 1 (January 1, 1998 – June 30, 1999) and Year 2 (July 1, 1999 – June 30, 2000) of the E-rate program application cycle. Project Interconnect is currently in the process of applying for discounts on Learning Network Services for E-rate program Year 3 (July 1, 2000 – June 30, 2001).

Please sign below to acknowledge that your organization is a member of Project Interconnect, that you are aware Project Interconnect applies for E-rate discounts on behalf of your school district or library to support ongoing telecommunications services associated with the Learning Network of Minnesota and that you wish Project Interconnect to continue acting in this capacity for your school district or library.

School District Name: METRO ECSU District Number: 920

OR

Library Name: \_\_\_\_\_

(whichever applies)

Tom Baldwin Date: 12-9-99  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

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School District Name: White Bear Lake District Number: 624

OR

Library Name: \_\_\_\_\_

(whichever applies)

Tel Blum Date: 12/3/99  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Please FAX this letter of agency to Mary Mehlkomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

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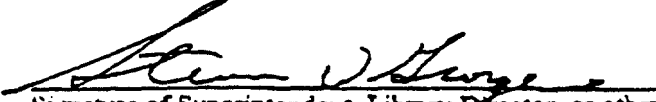
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School District Name: Burnsville-Eagan-Savage District Number: 191

OR

Library Name: \_\_\_\_\_

(whichever applies)

  
Signature of Superintendent, Library Director, or other  
authorized agent for the organization

Date: 12/8/99

Please FAX this letter of agency to Mary Mehsikomer, Department of Children, Families and Learning, at (651) 582-8871 immediately.

Thank you!